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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,881	10/14/2003	Jae-Yeon Song	5000-1-499	4860

33942 7590 03/07/2007  
CHA & REITER, LLC  
210 ROUTE 4 EAST STE 103  
PARAMUS, NJ 07652

EXAMINER
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TRAN, DZUNG D

ART UNIT	PAPER NUMBER
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2613

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/684,881	SONG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dzung D. Tran	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Specification***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Unitt et al. U.S. Publication no. 2005/0163149.

Regarding claims 1 and 4, Unitt discloses in Figure 11, a method/apparatus of a MAC (Medium Access Control) control block for controlling transmission of data between a plurality of MAC clients and a plurality of MACs in an Ethernet passive optical network (EPON), comprising:

a plurality of optical multipoint (OMP) blocks 126 (e.g., Outstation 12) connected between the MAC clients and the MACs for implementing a multipoint control protocol (MPCP) (page 9, paragraphs 0131-0134); and

head end medium access logic 116 (e.g., equivalent to a multipoint gating control block) configured to receive transmission in progress state variable from the OMP blocks connected to their associated MAC clients, to determine transmission states of the MAC clients with the received transmission in progress state variable, and to

selectively controlling the OMP blocks so that when any one of the OMP blocks is transmitting the data, the other OMP blocks are prevented from transmitting data (page 2, paragraphs 0029, 0039; page 4, paragraphs 0058, 0064; page 5, paragraph 0089).

Regarding claim 2, Unitt discloses the multipoint gating control block is configured to control data transmission by the MAC clients by providing transmission enable state variables to the OMP blocks connected to their associated MAC clients (page 2, paragraph 0029; page 4, paragraphs 0058, 0064).

Regarding claims 3 and 5, Unitt discloses wherein the head end medium access logic 116 (e.g., equivalent to a multipoint gating control block) determines a value of a transmission enable state variable by driving a timer indicating a transmission start time and a transmission stop time and provides a transmission opportunity by delivering the value to a corresponding OMP block (page 2, paragraph 0029; page 4, paragraphs 0058, 0064; page 5, paragraph 0089).

Regarding claims 6 and 7, Unitt discloses wherein each of the transmission in progress state variables indicates whether a corresponding MAC client is transmitting data or not (page 2, paragraphs 0029, 0039; page 5, paragraph 0087).

### ***Response to Argument***

3. Applicant's arguments filed on 12/07/2006 have been fully considered but they are not persuasive.

**A. Rejection of claim 36 under *USC § 102(e)* as being anticipated under Unitt et al. U.S. Publication no. 2005/0163149.**

Applicant argues that Unitt is not configured to receive transmission in progress state variable from the OMP blocks or to determine transmission states of the MAC clients. Examiner respectfully submits that page 2, paragraph 0029; page 4, paragraphs 0058, 0064; page 5, paragraph 0089 and Figure 1 of Unitt clearly discloses head end medium access logic 116 (e.g., equivalent to a multipoint gating control block) receive command frames marshal control from outstation 12 (ie., equivalent to OMP block), see abstract, and then send global pause control frame to control the transmission of the outstation 12 (ie., equivalent to OMP block).

***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzung Tran  
02/25/2007



**DZUNG TRAN**  
**PRIMARY PATENT EXAMINER**